FOR MYSORE STATE

Development (1952.) Department.

RT SERIES.

G.O. NO. 940

Dated 13.12.52.

Passed
&
Supdt

[Despatch Abstract.]

Textiles – Mill cloth – Bellary District – Sri K. Lakshmana Setty, Hospet – Suspension of Licence – Appeal – Orders passed.

The Secretary. Development Department.

In the Court of the District Munsif Hospet.

Fort St. George Madras.

No. of 195

BETWEEN

ವಾದಿ K. Lakshmana Setty [redacted] 126759

ಇ M Raghupathy ವಕೀಲು ಹೊಸಪೇಟೆ ಇವರಿಗೆ

ಬಳ್ಳಾರಿ ಜಿಲ್ಲಾ Hospet ತಾಲೂಕು Hospet ಗ್ರಾಮದಲ್ಲಿರುವ

ಬರೆದುಕೊಟ್ಟ ವಕಾಲ್ತುನಾಮೆ ಏನಂದರೆ :—

ಈ ಕೋರ್ಟು 195 ಸಂವತ್ಸರದ ನಂಬರು ನಲ್ಲಿ ನಮ್ಮ ಪರ ಹಾಜರಾಗುವದಕ್ಕೂ ಇವರಲ್ಲಿ ಜರಗಿಸಬೇಕಾದ ಸಮಸ್ತ ವ್ಯವಹಾರ ಕಾರ್ಯಗಳನ್ನು ನನ್ನ ಪರವಾಗಿ ಜರಗಿಸುವದಕ್ಕೂ ಫಿರ್ಯಾದನ್ನು ಡಿಫೆಂಡು ಮಾಡುವದಕ್ಕೂ ಅರ್ಜಿಗಳು ವಗೈರಾ ನನ್ನ ಪರ ಹಾಜರು ಮಾಡುವದಕ್ಕೂ, ಇದರಲ್ಲಿ ಆಗಬೇಕಾಗುವ ಡಿಕ್ರಿ ಅಥವಾ ಇತರ ಉತ್ತರಗಳ ಅಮಲು ಜಾರಿ ವಿಷಯದಲ್ಲಿ ಬೇಕಾದ ಕಾರ್ಯಗಳನ್ನು ನಡಿಸುವದಕ್ಕೂ ಮೇಲ್ಕಂಡ ವಕೀಲರನ್ನು ನನ್ನ ಪರ ನಿಯಮಿಸಿಕೊಂಡಿರುತ್ತೇನೆ ಇದರಲ್ಲಿ ಆಗಹೋಗುವ ಡಿಕ್ರಿ ಮತ್ತು ಉತ್ತರಗಳು ಪೂರಾ ಫೈಸಲ್ ಆಗುವವರೆಗೂ ಅವು ಮುಗಿಯುವವರೆಗೂ ಮಧ್ಯೆ ನಡೆಯಬೇಕಾದ ಜಿಲ್ಲರ ಪ್ರೊಸೀಡಿಂಗ್ಸುಗಳಲ್ಲಿ ನನ್ನ ಪರ ಹಾಜರಾಗಿ ಸಮಸ್ತ ಕಾರ್ಯಗಳು ನಡಿಸುವುದಕ್ಕೂ ಕೋರ್ಟಿನಿಂದ ನನಗೆ ಬರಬೇಕಾದ ದಸ್ತಾವೇಜುಗಳನ್ನು ವಾಪಸು ಪಡೆಯುವುದಕ್ಕೂ, ಕೋರ್ಟಿನಿಂದ ನನಗೆ ಬರಬೇಕಾದ ಸರ್ವ ವಿಧವಾದ ಹಣವನ್ನು ತೆಗೆದುಕೊಳ್ಳುವುದಕ್ಕೂ ಮೇಲಿನ ವಕೀಲರಿಗೆ ಅಧಿಕಾರ ಕೊಟ್ಟಿರುತ್ತೇನೆ ಸದ್ರಿ ವಕೀಲರಿಗೆ ಅನಾನುಕೂಲ ಇದ್ದಲ್ಲಿ ಅವರು ಬೇರೆ ವಕೀಲರನ್ನು ಏರ್ಪಾಟು ಮಾಡಿಕೊಳ್ಳಬಹುದು ನಾನು ಖರ್ಚುಮಾಡಿಕೊಂಡ ಫೀಜು ಕೂಡಲೆಹೋದಲ್ಲಿ ನನ್ನ ಪರ ಸದರಿ ವಕೀಲರು ಕೆಲಸ ಮಾಡಲು ಬಿಡಬಹುದು.

Accepted.
M. Raghupathy
Advocate
Hospet.
8.17.52

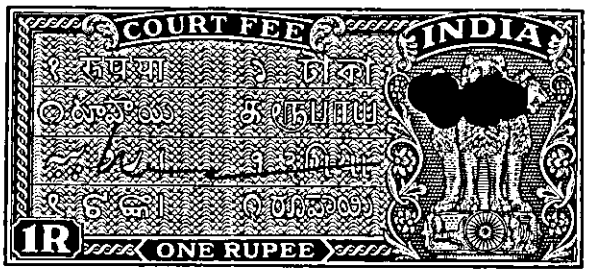
× K. Lakshmanaiah

ಈ ವಕಾಲ್ತುನಾಮೆಯಲ್ಲಿ ಬರೆದಿದ್ದನ್ನು ಓದಿಹೇಳಿ ಸರಿಯೆಂದು ಒಪ್ಪಿ ನನ್ನ ಎದುರಿಗೆ ಕ್ರಮವಾಗಿ ಸಹಿ-ಸ- ಗುರ್ತುಮಾಡಲ್ಪಟ್ಟಿದೆ.

D. Parimalachar
Advocate
Bellary
8.17.52

ತಾರೀಖು ಉದ್ಯೋಗ

12



From

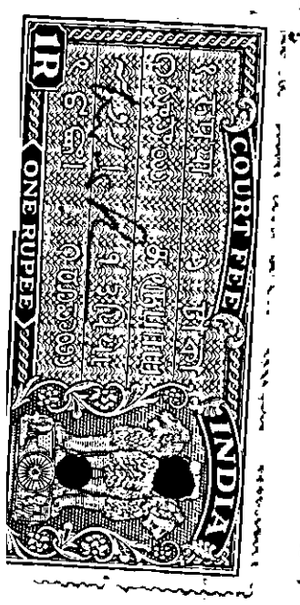
Kakubal Lakshman Setty,
Cloth Merchant,
Hospet.

To

The Secretary to Government,
Development Department,
Fort Saint George,
Madras.

Kakubal Lakshmana Setty, Hospet Dealer in Cloth and holder of Retail cloth licence holder No.430, Bellary beg to submit as follows:-

The petitioner is a dealer in Mill cloth, holding a Retail cloth Licence No.430 at Hospet in Bellary District.



The Textile Inspector, Bellary Inspected the shop of the petitioner on 14-9-1952 and made the following remarks.

1. That the stock-book as on 5-9-1952 showed 333 yards short.
2. on 28-7-52 -do- showed 127 yards instead 126½ yds.
3. on 28-8-52 -do- 2878 " " 2878¾ yds.
4. on 13-8-52 -do- 3814 " " 3814¼ "

and the sales showed:

on 5-8-52 104 yds. instead 105¾ yds.
on 15-8-52 293 yds. " 298¾ yds.
on 29-8-52 279 yds. " 279¾ yds.
on 10-9-52 334 yds. " 334¾ yds.

Charges were framed against the petitioner. His explanations were not properly understood and appreciated by the District Collector, Bellary. The Collector has suspended the licence of the petitioner for a period of three months.

M. Raghupathy
Advocate
8.11.52

4

The difference in the stocks has occurred only due to the oversight of the petitioner. The mistake is bonafide could be borne out by the facts set forth herein.

The petitioner received goods on 5-9-1952 and a lot of bills. On checking, he found that a bill for ~~xx~~ 344 yds. was not found. As such, the petitioner did not bring them into stock-book as there were no details. The said bill was received by post after three days and in his confusion of business the petitioner forgot to enter the details of the said bill totaling 344 yards. Nevertheless for the cloth sold of that variety during the period of 5-9-1952 to 14-9-1952 when the Inspector inspected the shop, the petitioner has issued receipts as usual and brought the sales into account. This amply proves the bonafides of the petitioner. The petitioner has not secreted the stocks or sold the said cloth secretely. This fact was not appreciated by the lower authorities.

As regards the differences of fractions mentioned on the other days, it is because, the petitioner as per the prevalent custom since the controls, entered the daily stocks and sales in ~~xxxxx fixxx~~ round figures instead of fractions for easy calculations. This has been the custom and the books have been checked by the authorities many times. The petitioner ~~had~~

M. Raghupathy
Advocate
8.11.52

had absolutely no intention of violating the law to make unlawful gain by entering or omitting to enter these fractions like 1/4, 3/8, etc. This has been ~~we~~ viewed very seriously by the Inspector of Textiles.

The difference of 344 yds. in the stock though not entered in the books were not secretely sold off in the black-market or even been attempted to by the petitioner. The selling of the said goods ~~are~~ and bringing them into sales account by issuing them regular receipts, shows that he was doing his business fairly. The Collector ought not to have awarded the punishment when the petitioners hands were clean beyond all doubts.

1) Therefore, this proves beyond all ~~peasonable~~ doubt that mistake was purely an accident and without any motive. The petitioner is innocent. It is therefore prayed that the suspension order passed by the Collector, Bellary in C.No.M-1-2313/52 dated 27-10-52 be set aside.

2). The suspension of the licence has caused a great hardship to the petitioner in view of the slump in the market. He will be put to very very heavy loss if the suspension continues. The rates of the cloth are going down day by day. Therefore, it is prayed that the Suspension order be stayed until the disposal of this appeal. If this is not done, the petitioner will be put to a loss of nearly Rs.3000/- which is very very huge and unberable for the poor petitioner. The petitioner has for the present Rs.10,000/- worth of goods.

M. Raghupathy
Advocate

× K Laxmanlu

Address forservice.

M.Raghupathy,
Advocate,
Hospet, Bellary Dt.

V.S.Pl.
P. Issue
10/11/52

Dev (MI) Dept.

Endt No. 126759 MI/52-1 d. 10.11.52

Referred to the Collector of Bellary for immediate remarks before 14.11.52 thro' the Dee with records. The Collector is directed also to order the transfer of the stocks of the appellant till final orders are passed by the Govt.

Dee 10/11/52 & 10/11/52

10/11/52

DS 10.XI.52

To The Collector of Bellary
" " Dee

10.11.52

Dis.2313/52-T-1 Collector's Office, Bellary,
Dated: 30-9-52.

M E M O.

Sub: Textiles - Cloth - Hospet Taluk and village dealer Sri.K.Lakshmanna Setty - irregularities - contraventions explanation called for.

Ref: Statement dated 14-9-52 of Sri.K.Lakshmanna Setty, Retailer, Hospet.

It has been reported to the Collector that on 14-9-52, the following offences were committed in the retail cloth shop of Sri.K.Laxmanna Setty.

(a) Failure to maintain the stock register correctly by taking to stock 2164 yards as against 2497½ yards under dated 5-9-52.

(b) Showing the stocks as follows

under date:	28-7-52	127 yards as against	126½ yards.
	26-8-52	2878 Yards as against	2878-3/4 yards.
	13-8-52	3814 " -do-	3814¼ yards.

and (c) and also showing the sales as follows:

under	5-8-52	104 YDS as against		105¾
	15-8-52	293	-do-	298¾
	29-8-52	279	-do-	279⅝
	10-9-52	334	-do-	334-3/8

The above offences are punishable under section 7(1) of the E.S.T.P.Act as amended and the dealer is primarily responsible for all the offences which occured in his shop.

The dealer is therefore called on to show cause within 7 days from the date of receipt of this notice why his licence should not be cancelled for the above offences. He may address evidence oral or documentary on his behalf. If his explanation is received within the time allowed, it will be presumed that he has no explanation to offer and orders passed on the material available.

sd.P.Ranganadha Rao
for Collector.

(By Order)

sd/-
Textile Control Officer.

To Sri.K.Laxmanna Setty, Retail Dealer Hospet.

(TRUE COPY)

M.Raghupathy
8.11.52

C.No.1-1-2313/52 Collector's office, Bellary,
27-10-52

Proceedings.

Textiles - Cloth - Hospet taluk and town - Retail dealer - Sri.K.Laxmanna Setty - irregularities and contraventions - explanation called licence suspended.

Read:(1) Statement dated 14-9-52 of Sri.K.Laxmana Setty, Retail dealer Hospet.

(2) Explanation d/13-10-52 of Sri.K.Laxmanna Setty.

The cloth dealer licence of Mr.K.Laxmanna Setty of Hospet is ordered to be suspended for 3 months.

2. The Textile Inspector, Hospet is directed to seize the licence of the dealer and submit it to this office for endorsement of the fact of suspension. The Textile Inspector, is also directed to propose some other dealer to whom the stocks with the dealer Sri.K.Laxmanna Setty may be transferred.

sd. S.Abdul Rahiman

for Collector.

(By order)

sd/-

Textile Control Officer.

To Sri.K.Laxmanna Setty, Retail dealer, Hospet.
Copy to the Textile Inspector, Hospet.
Copy to Wholesale dealer.
Copy to the Cloth Merchants Association, Hospet.

*****

(TRUE COPY)

M. Raghupathy
& 8.11.52

11

R.C.C2.116049/52

Office of the
Director of Controlled Commodities,
Mount Road, Madras, 13.11.52.

From

Sri V.V.Subramanian, I.C.S.
Director of Controlled Commodities

To

The Secretary to Government,
Development Department,
Fort St. George,
Madras.

129268

Sir,

sub: Textiles - Mill cloth - licence of Kakubal Lakshman Setty of Hospet, Bellary district - suspended for three months - appeal.

ref: Govt.Endt.No.126759-MI/52-1 dated 10.11.52.

--

The report from the Collector of Bellary has not yet been received. I am reminding him to-day. I shall send my report on receipt of his reply.

for Director of Controlled Commodities

GSR.13.11.

13/11

13/11.52

Dev (MI) 19/52

The report may be awaited till 20.11.52

15/11/52

15/11/52

7

13

From

Sri. D.R.Sundaram, I.A.S.,
Collector, Bellary.

To
The Secretary to Government
Development Department Fort St., George, Madras.
"THROUGH"

The Director of Controlled Commodities, Madras

Dw 132/22 M1/52
24-11-52

FIFTH ASSISTANT SECRETARY TO GOVERNMENT
24 NOV 1952
DEVELOPMENT DEPT.

Rc. 2313/52. M.1. Dated, 19.11.52.

Sir,

TEXTILES - Mill cloth - Hospet taluk and town - Sri.K.Lakshmana Setty - Licence suspended for three months - appealed - remarks - submitted.

Ref:- Endt. No. 126759/MI-52-1 Dt. 10.11.52 from the Government (Development Department) Madras..

-:-

The dealer has not stated any new facts in his appeal petition other than those already mentioned in his explanation dated 13.10.52 to this office Memo Rc.2313/52 T1 dated 30.9.52. The dealer has virtually admitted the irregularities detailed in the latter reference. I have discussed in detail the explanation dated 13.10.52 given by the dealer at pages 2 and 3 of the note file and found that it was not convincing and acceptable. I have, therefore, suspended his licence for three months.

The dealers licence was already cancelled once in this office Rc. 590/51 dated 11.6.51 for violation of conditions 3,4,6 and 8 of licence and on appeal, Government were pleased to modify the punishment in their G.O.Rt.No.623(Dev.Dept) dated 17.9.51, into one of suspension of the licence for the period at ready under-gone which amounted to 3 months and 8 days.

In view of the blemished business career of this dealer, I consider that the punishment now awarded is just and lenient.

The connected records in Rc.2313/52 containing pages 1 to 20 C.F. and 1 to 6 N.F. and D.Dis.590/51 dt.27.9.51 containing 48 pages C.F. and 6 pages N.F. are submitted for reference and return.

For Collector.

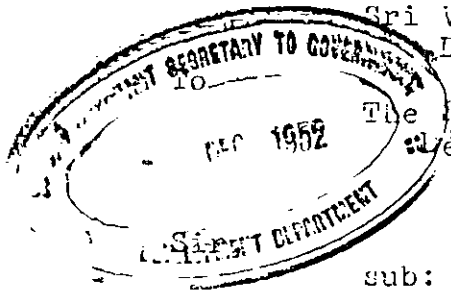
Copy submitted to Secretary to Government Development Department Fort St., George, Madras, direct to save delay.

15

L.Dis.No.C2/116049/52 Office of the
Director of Controlled Commodities,
Mount Road, Madras, Dated:27.11.52.

From

Sri V.V.Subramanian, I.C.S.,
Director of Controlled Commodities.



To

The Secretary to Government,
Development Department,
Fort St. George, 136792
Madras.

Sub: TEXTILES - Mill Cloth - Bellary District
Sri K.Lakshmanasetty, Hospet - Retail Licence
Suspension Cancelled - Appeal.

- ¶6 above

Ref: 1. Govt. Endt. 120759-MI/52-1 dt. 10.11.52.
2.* Letter No.2313 M/52-1 dt. 19.11.52 from
the Collector of Bellary.

* ¶17 below

--

I enclose herewith a copy of the letter from the Collector of Bellary second cited above, together with all the enclosures in original.

The charge against the dealer was that he did not maintain his accounts properly in July and August '52. This period falls in the slump period. The maintainance of accounts has become a formality. I therefore recommend the reduction of the period of suspension to the period already undergone.

28/11/52

for Director of Controlled Commodities.

s.s.28.11

17

Copy of letter No.R.C.2313/52 M.1. dt. 19.11.52 from the Collector of Bellary to the Secy. to Govt., Dev. Dept., F.S.G. Madras., through the D.C.C., Madras.

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TEXTILES - Mill cloth - Hospet taluk and town - Sri K.Lakshmana Setty - Licence suspended for three months - appealed - remarks submitted.
ref : Endt.No.126759-MI/52-1 dt. 10.11.52 from the Govt. (Dev. Dept.) Madras.

--

The dealer has not stated any new facts in his appeal petition other than those already mentioned in his explanation dated 13.10.52 to this office Memo R.C.2313/52/T1 dated30.9.52. The dealer has virtually admitted the irregularities detailed in the latter reference. I have discussed in detail the explanation dated 13.10.52 given by the dealer at pages 2 and 3 of the Note file and found that it was not convincing and acceptable. I have, therefore suspended his licence for three months.

The dealer's licence was already cancelled once in this office R.C.590/51 dated 11.6.51 for violation of conditions 3,4,6 and 8 of licence and on appeal, Government were pleased to modify the punishment in their G. O.Rt.No.623(Dev. Dept.) dated 17.9.51 into one of suspnsion of the licence for the period already undergone which amounted to 3 months and 8 days.

In view of the blemished business career of this dealer, I consider that the punishment now awarded is just and lenient.

The connected records in R.C.2313/52 containing pages 1 to 20 C.F. and 1 to 6 N.F. and D.Dis.590/51 dt.27.9.51 dated 27.9.51 containing 48 pages C.F. and 6 pages N.F. are submitted for reference and return.

sd.. for collector.

-/true copy/-

S. Srinivasa

Superintendent 28.11.52

Kakubal Laxman Setty & Sons,
CLOTH MERCHANTS,
Hospet.
(Bellary Dt.)

19

Date 1st. Dec. 1952

To

The Secretary,

Development Department,

Fort St. George,

MADRAS.

137842

13755

Sir,

Textile-Suspension of license-appeal.
****

I had preferred an appeal against the ~~xxx~~ of the District Collector Bellary suspending my Textile license for 3 months.

The Collector's report was called for immediately. I have also requested the collector to send up his report as early as possible since I am put to huge loss in view of the suspension of the sales. It is past 20 days. I was assured of an order within a fortnight on my appeal.

I therefore request that an early order be passed to enable me to do the business. If in any case there is going to be delay I request that stay may be ordered to avoid causing great loss to me.

Yours faithfully.

K Laxman Setty

Dec (a)

T. M.

To

The Director of Controlled Commodities,

Sub: Textiles - with Cloth. Bellary Dt - Sri. K. Lakshmana Setty, Hospet. Suspension of licence - Appeal: Records.

Ref: By your letter No. L Dis C2. 116049/52 d. 27.11.52

Please send immediately the records referred to in your letter cited as they have not been received with your letter.

Collr's office

23

R.C.No.C2/122592/52

Office of the
Director of Controlled Commodities,
Mount Road, Madras. dt.6-12-52.

From

Sri V.V. Subramanian, I.C.S.,
Director of Controlled Commodities.

To

The Secretary to Government,
Development Department,
Fort St. George,
Madras.

139807

Sir,

Sub: Textiles - Mill cloth - Bellary District - K. Lakshmana Setty of Hospet - Retail licence suspension - Appeal.

Ref: i. This office L.Dis.No.C2/116049/52 dt.27-11-52.
ii. Telephonic Message from Government dt.4-12-52.

The Collector's office records as noted in the margin are sent herewith. The receipt of the records may be kindly acknowledged.

for Director of Controlled Commodities.

ja.6.12.

Encl: 1. Rc.2313/52 containing pages 1-20 Cf and 1-6 Nf.
2. D.Dis.590/51 dt.27-9-52 containing 48 pages C.F. and 6 pages N.F.

P/ 18888 D 12/12/52

Date. Initials.

DRAFT FOR APPROVAL.

23

Dlr Dep (GM I)

C.F. 17.

When received for fair copying ..		
When copied ..		
When examined..		
When signed ..		
When despatched.		

SUBJECT:— Textiles - mill Cloth - Bellary Dt - Sri. K. Lakshmana Setty, Hospet - Suspension of licence - Appeal - Orders passed.

READ AGAIN _____ dated _____ 19____.

" " _____ " _____ 19____.

READ ~~ALSO~~ —

fp 3-5 CF No. _____ From Sri the K. Lakshmana Setty, Hospet dated 8.11.52.

fp 17 CF " the Collr. of Bellary No. 2313 M/52-1 19-11-1952.

" fp 15 CF " " Dee ~~No.~~ L Dis/Ca. 116049/52 d 27-11-1952.

Order ~~Resolution~~ ~~Mr~~ Rout. No. 940 dated 13:12:52 19____.

The Govt. direct that the order of the Collector of Bellary, suspending the retail mill Cloth licence of Sri. K. Lakshmana Setty of Hospet, for a period of three months from 27.10.52, be modified to one of suspension for the period already undergone.

fp 2 ng.

2. The petitioner is referred to the Collr. of Bellary for orders on his petition.

Dee 12.12.52 MM 12.12.52

R 13/12/52

To The Collector of Bellary (with records 1. 2313/52 ~~R~~ 2. D.Dis 590/57 (I) by Reg. Post)

" The Dee., Madras

" Sri. K. Lakshmana Setty Cloth Merchant Hospet Bellary Dt (para 2 only)

fc sent 16/12

CNo. 126759 M I/52 — Dev(M.I) Dept

Sub: Textiles - mill cloth - Bellary Dt - Sri. K. Lakshmana Setty, Hospet - Suspension of licence - Appeal.

Ref From Sri. K. Lakshmana Setty, Hospet 8.11.52
From the Collr of Bellary No. 2313 M/52.1 d. 19.11.52
From the Dev. No. L.Dis C2. 116049/52 d. 27.11.52

To Re

The appeal is preferred by Sri. K. Lakshmana Setty, of Hospet, against the order of the Collector of Bellary suspending the retail mill cloth licence for a period of three months from 27.10.52. The charge against the dealer was that he did not maintain his accounts properly in July and August 1952. Please see the memo of charges at p.3 cf of (R) and the explanation of the dealer at 5 cf (R) The charges, explanations and finding of the Collector are at pp 2-3 nf. of (R). The Collector held the charges as proved and suspended the licence for three months. In his appeal the petitioner in addition to what he gave as explanation to the memo of charges, points out that the mistake of not entering 344 yds in the stock register was purely accidental and without any motive. He submits that he is innocent and that the suspension of licence has caused a great hardship in view of the slump and requests that the suspension order be set aside. The Collector in his report at p.17 cf invites attention to his previous orders d. 11.6.57 Cancelling the licence of the appellant for violation of certain conditions of licence, and to the orders of the Govt. in Dev Rt 623 Dev d. 17.9.57 modifying the punishment into one of suspension for the period already undergone. The Collr. considers that in view of the blemished business career of the dealer, the punishment now awarded is just and lenient. The Dev points out that the charge against the dealer was that he did not maintain his

126 D 59/M1/52

37

accounts properly in July and Aug. 1952, which period falls in the Slump period. He also submits that the maintenance of accounts has become a formality and recommends that the period of suspension may be reduced to the period already undergone.

~~Orders for orders whether the DCE's recommendation may be accepted~~

DSE 9.12.52

The only mitigating factor is the prevailing Slump. Out of the 3 months' period of Suspension, nine months and 13 days have elapsed. Perhaps the DCE's recommendation may be accepted. For orders.

10.12.52

The D.C.E's recommendation may be accepted

10/12/52

DS & Secretary 10.12.52

Sd. N. Krishnaswamy 11-12-52

H(I+L)

M(I & L)

To file

Orders above

A draft order is submitted.

DSE 12.12.52

12.12.52

10/12/52

(Issued as G.o.(Rt.) 940 d. 12.12.52)

SECRETARY TO GOVERNMENT 12 DEC 1952 DEVELOPMENT DEPARTMENT

DEPUTY SECRETARY TO GOVERNMENT 12 DEC 1952